

001781

REQUEST FOR COUNCIL ACTION

CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE ONLY)

2800409 01/08

114
November 5, 2007TO:
CITY ATTORNEY2. FROM (ORIGINATING DEPARTMENT):
RISK MANAGEMENT DEPARTMENT

4. SUBJECT:

SETTLEMENT OF PERSONAL INJURY CLAIM OF YEVDOKIA BRISTMAN AND MARK BRISTMAN
RISK MANAGEMENT FILE #: LX06-0549-1202

5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.)

Janice Ellis (619) 236-7705 MS-51B

6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.)

Bonny Hsu X-36371 MS # 59

7. CHECK BOX IF REPORT TO
COUNCIL IS ATTACHED ☐

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	81140		
DEPT.	81140		
ORGANIZATION	3303		
OBJECT ACCOUNT	4823		
JOB ORDER	081141		
C.I.P. NUMBER			
AMOUNT	\$600,000.00		

9. ADDITIONAL INFORMATION / ESTIMATED COST:

\$600,000.00 - Total Settlement

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>[Signature]</i>	11/5/07	8	DEPUTY CHIEF		
2	FIELD ENG.	<i>[Signature]</i>	11/12/07	9	COO	<i>[Signature]</i>	11/16/07
3	AUDITOR	<i>[Signature]</i>	11/26/07	10	CITY ATTORNEY	<i>[Signature]</i>	11/26/07
4	LIAISON OFFICE	<i>[Signature]</i>	11/19/07	11	ORIGINATING DEPARTMENT	<i>[Signature]</i>	11/5/07
5	RISK MGMT.	<i>[Signature]</i>	11-5-07	DOCKET COORD: <i>[Signature]</i> 11/28/07 COUNCIL LIAISON: <i>[Signature]</i> 11/27/07			
6	FM	<i>[Signature]</i>	11/26/07 ✓	COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION			
7				REFER TO: _____ COUNCIL DATE: 1/8/08			

11. PREPARATION OF:

☒ RESOLUTION(S)☐ ORDINANCE(S)☐ AGREEMENT(S)☐ DEED(S)

1. Authorizing the Mayor to pay the sum of \$600,000.00 in settlement of each and every claim against the City, its agents and employees, resulting from the Personal Injury Claim of YEVDOKIA BRISTMAN AND MARK BRISTMAN.
2. Authorizing the City Auditor and Comptroller to issue one check in the amount of \$600,000.00 payable to The McClellan Law Firm FBO YEVDOKIA BRISTMAN & MARK BRISTMAN.

11A. STAFF RECOMMENDATIONS:

Approve the resolution

12. SPECIAL CONDITIONS:

COUNCIL DISTRICT(S): 5

COMMUNITY AREA(S): NONE

ENVIRONMENTAL IMPACT: NONE

HOUSING IMPACT: This activity is not a project and therefore exempt from CEQA pursuant to the State Guidelines Section 15060(c) (3).

OTHER ISSUES: PLEASE PROVIDE BONNY HSU, CITY ATTORNEY'S OFFICE, WITH A CONFORMED COPY OF THE 1472, EXECUTIVE SUMMARY AND RESOLUTION.

EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE ISSUED: November 5, 2007 REPORT NO:
ATTENTION: Council President and City Council
ORIGINATING DEPARTMENT: City Attorney
SUBJECT: Settlement of Personal Injury Claim of Yevdokia Bristman
And Mark Bristman City File #: LX06-0549-1202
COUNCIL DISTRICT(S): 5
CONTACT/PHONE NUMBER: Janice Ellis (619) 236-7705

REQUESTED ACTION: Authorizing the Mayor to pay the sum of \$600,000.00 in settlement of each and every claim against the City, its agents and employees, resulting from the Personal Injury Claim of Yevdokia Bristman and Mark Bristman.

STAFF RECOMMENDATION: Approve the resolution.

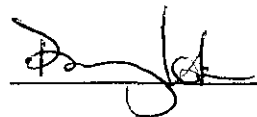
EXECUTIVE SUMMARY: The proposed settlement would resolve all claims brought by Yevdokia Bristman and Mark Bristman.

FISCAL CONSIDERATIONS: Settlement will be paid from the Public Liability Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: This item was considered in closed session on October 9, 2007 the City Council approved the settlement amount of \$600,000.00. City Council voted 8 to 0. The motion was made by President Peters with a second by Council President Pro Tem Young.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A



Originating Department



Deputy Chief/Chief Operating Officer

001785

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

AC 2800409

ORIGINATING

DEPT. NO.:

84

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: _____ Fund: _____

Purpose: _____

Date: _____ By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE ☐

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$600,000.00

Vendor: The McClellan Law Firm FBO Yevdokia Bristman & Mark Bristman

Purpose: Authorize the Mayor to pay the sum of \$600,000.00 in settlement of each and every claim against the City, its agents and employees, resulting from the Personal Injury Claim of Yevdokia Bristman and Mark Bristman. Authorizes the City Auditor and Comptroller to issue one check in the amount of \$600,000.00 to above vendor.

Date: November 26, 2007

By: *Sam Halbut*

11/26/07

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	81140	81140	3303	4823	81141				\$600,000.00
TOTAL AMOUNT										\$600,000.00

AC-361 (REV 2-92)

FUND OVERRIDE ☐

AC 2800409

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO
AUTHORIZING THE SETTLEMENT AGREEMENT BETWEEN
YEVDOKIA (DAISY) BRISTMAN AND MARK BRISTMAN AND
THE CITY OF SAN DIEGO IN THE AMOUNT OF SIX HUNDRED
THOUSAND DOLLARS

WHEREAS, in Closed Session on October 9, 2007, by motion of Council President
Peters and seconded by Council President Pro Tem Young, the City Council, by the following
Vote: Yeas, 8; Nays, 0; approved the following motion:

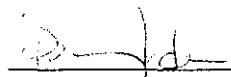
To approve the settlement agreement of each and every claim by Yevdokia and Mark
Bristman against the City of San Diego, its agents and employees, resulting from the personal
injury claim in *Yevdokia (Daisy) Bristman and Mark Bristman v. Western Trucking, LLC, et al.*

BE IT RESOLVED, that the City Auditor and Comptroller be and is hereby authorized to
issue a check in the sum of \$600,000 made payable to The McClellan Law Firm FBO Yevdokia
Bristman and Mark Bristman in full settlement of the lawsuit and of all claims filed by Yevdokia
and Mark Bristman.

BE IT FURTHER RESOLVED, that the City Council is hereby authorized to pay the
sum of \$600,000 from the Public Liability Fund 81140.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Bonny Hsu
Deputy City Attorney

BH:my
11/2/07
Or.Dept:Risk
R-2008-379

Aud. Cert:

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor